



The maintenance and accuracy of Pennsylvania's voter registration database is extremely important, including the removal of voter registration records that have been verified as ineligible. Equally important is the protection of each and every eligible elector's right to vote in the Commonwealth of Pennsylvania. While some may believe that a vote cast by even one ineligible registrant is one too many, it is also true that the disenfranchisement of one eligible voter is also one to many. List maintenance activity that threatens the disenfranchisement of thousands of eligible voters for the sake of identifying one ineligible vote is a dangerous path for the Department to follow.

For decades, a small number of legal Pennsylvania residents have registered to vote and then later cancelled their voter registrations because they were not citizens of the United States. From the Statewide Uniform Registry of Electors (SURE) database that houses Pennsylvania's voter registration information, it was determined that there are 1,160 records with a code that identifies each as a non-citizen cancellation. The challenge is verifying that these cancellations were indeed submitted because the registrant was a non-citizen. For instance, of the 1,160 records, 318 of those records are coded in SURE as having been submitted to Philadelphia County. Only a portion of those records actually contain an uploaded image that can be used to verify the non-citizen cancellation code. The Department has requested physical records from Commissioner Al Schmidt so that the review can continue; however, the documents have not yet been received. From the records submitted to Philadelphia that have been uploaded, it is fairly evident that many of the Requests for Cancellation were completed by someone other than the registrant. Similar handwriting on multiple forms and the X by the signature line directing the registrant where to sign certainly creates a verification issue - one that might not be resolved without contacting the registrant to verify.

Another challenge to verification of the 1160 records is simply time. The initial registration dates for these records ranges from 1972 – 2017. The cancellation records date back as early as 1995. Without a record in the SURE data base to verify the cancelled records, physical documents would need to be obtained from the counties to complete a review. It is important to note that of the 1,160 cancelled records, 912 (78.62%) never voted. The ballots cast for the remainder include votes in over 30 counties in elections from 1977-2016. Rather than immediately attempting to verify the reasons for past cancellations, the Department believed that it was prudent to first focus on determining how a non-citizen could register to vote in the first place.

As a starting point, the Department believed that because the potential penalties for a fraudulent vote were so severe (fines, incarceration and/or possible deportation) it was likely that non-citizens were inadvertently registering to vote. Because so many voters register using the Motor Voter system while purchasing a PennDOT product (ID card, Driver's License, etc.) a review of that system was the logical first step. After completing a step-by-step review of the Motor Voter process, it was determined that the issue was built into the Motor Voter system back in the 1990's as part of the original design. The issue quietly continued through multiple administrations. The issues and solutions employed by this administration are as follows:



Issue #1

The Department determined that non-citizens were likely confused by the order of questions and may have simply clicked through the citizenship question, similar to how many of us click acknowledgment boxes on car rental agreements without actually reading or understanding the questions asked. Additionally, the question was asked after the customer was asked if he/she wanted to register to vote and it was embedded with a series of other questions and other legal information.

Solution:

DOS partnered with PennDOT to review and make changes to the Motor Voter screens. To reduce confusion about the qualifications to register to vote the question “are you a U.S. citizen?” was moved and presented in larger type as a stand-alone question at the very first screen of the Motor Voter process.

Issue #2

The Motor Voter screens were only presented in English and Spanish and as a result it was determined that many non-citizens simply did not understand the questions that they were being asked, which likely led to inadvertent voter registrations.

Solution:

To reduce the likelihood of misunderstanding during the Motor Voter process the Motor Voter screens were translated into 12 additional languages beyond English and Spanish.

Issue #3

The PennDOT licensing system was not communicating citizenship status to the Motor Voter system, thus enabling non-citizens to inadvertently register to vote.

Solution:

A fix has been developed and will be deployed by the end of the year. The fix will mitigate, and possibly eliminate, the possibility of a non-citizen inadvertently registering to vote.



Timeline of Events and Actions Taken

The following summary outlines the timeline of events and actions taken to reduce the possibility of noncitizen registration:

- **September 20, 2015** – DOS staff and PennDOT staff met to review the Motor Voter screens to determine what changes may be necessary to increase awareness regarding the qualifications to register and to clarify instructions for applicants.
- **October – November 2015** - DOS and PennDOT staff collaborated to finalize the changes to the Motor Voter screens, which included reordering the Motor Voter screen to move the citizenship question to the front of the process as a standalone question. DOS instructed PennDOT that a 'NO' response to the citizenship question should preclude an applicant from moving any further in the Motor Voter process. The DOS also determined that it was necessary to translate the Motor Voter screens into 12 additional languages beyond English and Spanish to reduce the possibility of misunderstanding due to limited English proficiency.
- **August 2016** – PennDOT deployed the re-ordered, simplified Motor Voter screens to ensure that the question regarding citizenship is asked first. (The deployment of the 12 additional languages would be deployed concurrent with PennDOT's rollout of their "Digital DL" upgrade, which would be phased in over several months in 2017.)
- **July 18, 2017** – The initial meeting was held with Philadelphia City Commissioner Schmidt and Chief Deputy Commissioner Seth Bluestein to discuss voter records cancelled in Philadelphia for the reason 'Not a Citizen.'
- **August 2, 2017** – DOS and PennDOT staff conducted a joint review of the driver's licensing and Motor Voter process as they are applied to individuals who provide PennDOT with documentation indicating they are noncitizens legally residing in Pennsylvania. This review and subsequent follow-up conversations between DOS and PennDOT revealed an opportunity to reconfigure Motor Voter to preclude noncitizens from being presented with the Motor Voter screens, without the risk of permanently barring them from becoming registered through Motor Voter if and when they naturalize.
- **September 7, 2017** – Deputy Commissioner Bluestein emails an Excel spreadsheet to DOS containing data regarding 317 records from Philadelphia that were cancelled for the reason 'Not a Citizen.' DOS staff confirmed that this data matched data obtained during our own query of the Statewide Uniform Registry of Electors (SURE) database.
- **September 13, 2017** – Review of the SURE database revealed 1,160 voter records statewide that were cancelled for the reason 'Not a Citizen.'
- **September 15, 2017** – Follow-up meeting with Commissioner Schmidt, Chief Deputy Commissioner Bluestein and Communications Coordinator Michelle Montaly.
- **September 20, 2017** – Press release issued by Commissioner Schmidt regarding 317 voter records (220 verified with documentation) cancelled in Philadelphia for the status reason 'Not a Citizen.'



- **September 28, 2017** – DOS authorized the PennDOT purchase order to reconfigure the Motor Voter process at PennDOT to preclude noncitizens from entering into the Motor Voter workflow.
- **October 3, 2017** – PennDOT completed the statewide rollout of the 'Digital DL' upgrade at all photo license centers, which included the Motor Voter screen translations in a total of 14 languages.
- **Beginning November 2017** - Though we will need to work with the counties to verify the other potential sources of inadvertent registrations, one of the most likely sources is voter registration drives that must use volunteer or paid canvassers. These canvassers are not always well-equipped to communicate clearly with residents who have limited proficiency in English. To address this potential source of inadvertent registrations the Department will be engaging an outreach and public information campaign, with the assistance of key stakeholders. The objective of this effort is to ensure that non-citizens are aware they may not register to vote and to raise awareness of potential penalties associated with doing so. We have organized a meeting with these stakeholders that will occur within the next 2 weeks.
- **Beginning December 2017** - As we move forward, the Department is also organizing a voter registration guidance working group that includes key stakeholders. The primary objective of this group will be to help us evaluate voter registration processes to ensure that the guidance the Department provides to election officials, voter registration drives and individual voters clearly communicates the qualifications to register without discouraging qualified residents from participating. This working group will also be tasked with compiling a list of best practices that will enable county election personnel to more effectively and efficiently use some of the other resources available to them to verify, in a uniform and non-discriminatory way, the status of noncitizens with legal residence. We have scheduled a meeting with this group in mid-December.